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Attorneys for Defendant USAA Casualty Insurance  
Company

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA – LAS VEGAS**

HUNTER CAIN, individually and on behalf  
of all those similarly situation,

Plaintiff,

v.

USAA CASUALTY INSURANCE  
COMPANY, DOES 1 through 10,

Defendants.

Case No.: 2:21-cv-00400-RFB-BNW

**STIPULATION FOR EXTENSION OF  
TIME TO RESPOND TO COMPLAINT  
AND ADOPTION OF BRIEFING  
SCHEDULE; ORDER  
(First Request)**

1 Pursuant to Rule IA 6-1 of the Local Rules of Practice for the United States District Court,  
2 District of Nevada, Plaintiff Hunter Cain (“Plaintiff”) and Defendant USAA Casualty Insurance  
3 Company (“Defendant”), by and through their attorneys, agree as follows:

4 WHEREAS, Plaintiff filed this action in state court on February 23, 2021;

5 WHEREAS, Defendant removed this action from state court to federal court on March 9,  
6 2021;

7 WHEREAS, because Defendant was not served with a copy of the summons and  
8 complaint prior to removal, pursuant to Rules 4(d) and 81 of the Federal Rules of Civil  
9 Procedure, Defendant’s responsive pleading is presently due on March 30, 2021;

10 WHEREAS, Defendant intends to file a Motion to Dismiss the Complaint (“Motion to  
11 Dismiss”), and in order to give the parties more time to meet and confer regarding Defendants’  
12 proposed pleading, and given the complexity of the issues, the parties seek a mutual extension of  
13 the briefing schedule on Defendant’s Motion to Dismiss;

14 WHEREAS, Defendant agrees to waive service of the summons and complaint in  
15 connection with the stipulated briefing schedule;

16 WHEREAS, the proposed modifications to the briefing schedule will not prejudice any  
17 party to this action;

18 WHEREAS, this is the first stipulation for any extension of time in this case.

19 Accordingly, Plaintiff and Defendant hereby move the Court to grant an order as follows:

- 20 1. Defendant’s Motion to Dismiss is due on or before May 14, 2021;
- 21 2. Plaintiff’s Opposition to Defendant’s Motion to Dismiss is due on or before June  
22 14, 2021;
- 23 3. Defendants’ Reply in Support of its Motion to Dismiss is due on or before July 9,  
24 2021.

1 The parties respectfully request that the Court so order.

2 Dated: March 29, 2021

Respectfully submitted,

3 **LEWIS BRISBOIS**

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5  
6 By /s/ Robert Freeman

Robert Freeman

7  
8 Attorneys for Defendant USAA Casualty  
Insurance Company

9 Dated: March 29, 2021

Respectfully submitted,

10 **MATTHEW L. SHARP, LTD.**

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12  
13 By /s/ Matthew L. Sharp

Matthew L. Sharp

14  
15 Attorneys for Plaintiff Hunter Cain

16 IT IS SO ORDERED:

17 1. Defendant's Motion to Dismiss is due on or before May 14, 2021;

18 2. Plaintiff's Opposition to Defendant's Motion to Dismiss is due on or before June  
19 14, 2021;

20 3. Defendants' Reply in Support of its Motion to Dismiss is due on or before July 9,  
21 2021.

22  
23 

24 UNITED STATES DISTRICT JUDGE  
25 THE HONORABLE ROBERT F. BOULWARE, II

26 DATED: March 30, 2021